

MICHAEL LEHNERS, ESQ.

Cef 7/28/09

429 Marsh Ave.

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Nevada Bar Number 003331

(775) 786-1695

Attorney for Debtor/Plaintiff

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

oOo

BK-N- 07-51659

CHAPTER 13

Hearing Date: _____

and Time: _____

Mtn No. _____

Est Time: 5 Minutes

IN RE

RONALD J. SMITH,

Debtor(s).

MOTION TO MODIFY CONFIRMED
PLAN

COMES NOW Debtor, Ronald J. Smith, by and through his attorney, Michael Lehnern, Esq., and files the following motion to modify his confirmed plan.

The Debtor's plan was confirmed on May 19, 2008. The plan provides to pay \$252.00 for the first 36 months, and then \$1,000.00 per month for the remaining 24 months. Since that time, the Debtor has settled the claims of Kevin Walsh and Wells Fargo. The amount necessary to complete the plan is \$311.00 per month starting in August of 2009. Please see the July 27, 2009 Memo from the Office of the Chapter Thirteen Trustee. A copy has been attached hereto as Exhibit "1". Accordingly, the Debtor wishes to modify his plan to commence making payments of \$311.00 starting with August of 2009 until all remaining allowed claims are paid in full.

11 U.S.C. §1329(a) provides:

1 At any time after confirmation of the plan but before the
2 completion of payments under such plan, the plan may be
3 modified, upon request of the debtor, the trustee, or the
4 holder of an allowed unsecured claim, to--

5 (1) increase or reduce the amount of payments on
6 claims of a particular class provided for by the plan;

7 (2) extend or reduce the time for such payments;

8 (3) alter the amount of the distribution to a creditor
9 whose claim is provided for by the plan to the extent
10 necessary to take account of any payment of such claim
11 other than under the plan;

12 The Debtor's proposed modification falls within the scope of this
13 section as it is altering the payment amount with respect to all claims,
14 but it is not reducing the distribution to any of the creditors.
15 Accordingly, the Debtor requests that this modification be approved.

16 Dated: This 27 day of July, 2009

17 By: 

18 Michael Lehnert, Esq.
19 429 Marsh Ave.
20 Reno, Nevada 89509
21 Nevada Bar Number 003331
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27
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Exhibit 1

Exhibit 1

**WILLIAM A. VAN METER
Standing Chapter 13 Trustee
United States Bankruptcy Court
District of Nevada**

**(775) 324-2500
(775) 324-3313 - Fax**

**P.O. Box 6630
Reno, Nevada 89513**

MEMO

Date: July 27, 2009

To: Michael Lehnerts, Esq.

From: Bea Meyers

**Re: Ronald Smith
BK-N-07-51659-GWZ**

Based on my review of the above file it appears that a monthly payment of \$311.00 beginning August 2009 will be sufficient to pay all allowed claims in full.